

**Mashpee Planning Board
Minutes of Meeting
August 3, 2016 at 7:00 p.m.
Waquoit Meeting Room, Mashpee Town Hall
Approved 9/7/16**

Planning Board Members Present: Chairman Mary Waygan, Dennis Balzarini, David Kooharian, Joe Cummings, David Weeden
Also: Tom Fudala-Town Planner, Charles Rowley-Consultant Engineer
Absent: Robert (Rob) Hansen

CALL TO ORDER

The Town of Mashpee Planning Board meeting was opened with a quorum in the Waquoit Meeting Room at Mashpee Town Hall by Chairman Waygan, at 7:04 p.m. on Wednesday, August 3, 2016. The Pledge of Allegiance was recited.

APPROVAL OF MINUTES—July 20, 2016

The Chair and Mr. Weeden submitted recommended changes to the minutes.

MOTION: Mr. Balzarini made a motion to accept the minutes as amended. Mr. Kooharian seconded the motion. All voted unanimously.

DEFINITIVE SUBDIVISION PLAN

Status of construction schedule for BCDM / Ockway Highlands road work

Chairman Waygan indicated that she had sent a letter to BCDM requesting that they return to the Planning Board to present a road construction schedule for the Ockway Highlands project. The intent was to develop a schedule that would reduce the impact to neighbors and increase the efficiency of the work. Mr. Rowley has reviewed the schedule.

Matt Haney was present to discuss the schedule and reported that their work on Blue Castle Drive had been held up by Verizon, who left equipment in the road and who needed to relocate their line. Mr. Haney indicated that Verizon's work had been scheduled to be completed in June. Mr. Haney has since been in contact with the Verizon engineer who would review the site tomorrow, in order to move forward. Mr. Haney stated that, once the equipment was removed, he would be able to schedule the work with his contractor.

Mr. Haney referenced the covenant on his lots and completion of the project in two phases, due to the neighbor's request that Blue Castle be completed. Mr. Haney requested a release for the 10 lots after completion of Blue Castle, which would occur prior to working on Carriage Road where 4 homes would be located. Mr. Haney also reported that the lot on Degrasse would be deeded to Habitat for Humanity. Mr. Rowley stated that some projects delayed placing top course of mix until construction was complete, and inquired about Mr. Haney's plan for Blue Castle. Mr. Haney responded that they wanted to complete Blue Castle for the neighbors, adding that there would be limited heavy equipment traveling the road, anticipating usage of Carriage Road for construction access. Mr. Rowley responded that, as long as the work was completed according to plan, including landscaping, loam and seed, paving and utilities, a partial release

could be granted. Mr. Fudala confirmed that construction trucks would use Blue Castle, but Carriage Road, and Mr. Haney agreed. Mr. Weeden requested clarification about truck access and the Covenant and Mr. Fudala summarized the Covenant. Chairman Waygan added that construction truck access Carriage had been listed in the Special Permit.

Mr. Rowley confirmed that the schedule sequence for Blue Castle was alright and suggested that any changes to road surfacing be communicated. Mr. Haney responded that he would notify the Planning Board of any changes regarding the status with Verizon. Mr. Rowley requested that Mr. Haney keep him informed and notify him when he would be ready for an inspection.

RELEASE OF PERFORMANCE GUARANTEE

Bayswater Development, LLC, request for release of remaining \$64,245 performance guarantee for Flat Pond subdivision

The Chair read for the record the request, as well as Mr. Rowley's August 2 letter regarding Bayswater. Mr. Fudala shared the Record of Performance Guarantee requesting a vote from the Board to release the remainder of the security guarantee totaling \$64,245.

MOTION: Mr. Balzarini made a motion to release the remaining \$64,245 Performance Guarantee for Flat Pond Circle. Mr. Kooharian seconded the motion. All voted unanimously.

Mr. Rowley noted that the pavement of the road was one of the best projects he had seen in some time. Board members signed the Record of Performance Guarantee.

John Falacci, Project Manager for Bayswater requested an adjustment to Phase II of the Cottages, which has been approved. As a result of posting cash bond, a lot release was granted by Planning Board. The property was located within Land Court jurisdiction, which has now issued lot numbers, so Bayswater wishes to record lot releases. Land Court wants everything in a lot, including rain gardens. Mr. Falacci was requesting a minor addendum to the Lot Release with the lot numbers issued by Land Court. Mr. Fudala explained that a page was being substituted.

MOTION: Chairman Waygan made a motion by roll call vote to add the following agenda item to our meeting to be the modification of the Release of Covenant Agreement for Cottages at New Seabury Phase II. Mr. Kooharian seconded the motion. Mr. Weeden-yes; Mr. Cummings-yes; Mr. Balzarini-yes; Chairman Waygan-yes; Mr. Kooharian-yes

Mr. Rowley inquired whether the Land Court had released its decree plans. Mr. Falacci was unsure but believed that the attorney had the information. Mr. Rowley requested that a set of the plans with new numbers be forwarded to him. Mr. Falacci agreed to supply the information.

MOTION: Mr. Balzarini made a motion to amend the Release of Covenant Agreement to include the Land Court lot numbers. Mr. Kooharian seconded the motion. All voted unanimously.

BOARD ITEMS

New Business

Request from E-911 Coordinator to schedule hearing to change name of Fells Circle to "Fells Pond Circle"-Mr. Fudala explained that Fells Circle has been legally Fells Circle since the 1970s but that the Post Office and the street name recognizes Fells Pond Circle. A public hearing was needed to change the name.

MOTION: Mr. Balzarini made a motion to schedule a public hearing for September 7 at 7:10 p.m. to change the name from Fell's Circle to Fell's Pond Circle. Mr. Kooharian seconded the motion. All voted unanimously.

Charles Rowley July billings-Invoices were received in the amounts of \$95 for Southport services and \$622.50 for regular Planning Board services.

MOTION: Mr. Balzarini made a motion to approve Board work in July by Mr. Rowley for \$622.50. Mr. Kooharian seconded the motion. All voted unanimously.

MOTION: Mr. Balzarini made a motion to approve a bill of \$95 for work done in Southport. Mr. Kooharian seconded the motion. All voted unanimously.

Old Business

Report on Status of Greenway Project-The Chair reported that she attended a meeting with the Town Manager, Assistant Town Manager, DPW Director, Mr. Fudala, Mr. McManus and Mr. Rowley. Mr. Rowley would be working on the Scope of Work for design services, which has been forwarded to all who attended the meeting. Mr. Rowley noted that he did not include the specs for construction. Ms. Laurent would be looking into the costs. Mr. Fudala referenced the license agreement with Mashpee Commons, which was still missing an end date. Mr. Fudala has inquired with Mr. Ferronti about the necessity for an end date. The Selectmen would soon be signing the agreement. It is hoped that Mashpee Commons would sign the agreement first. The Chair further reported that she had met with Mary Kay Fox of the Friends of Mashpee National Wildlife Refuge, regarding a possible workforce to assist with installation. The Chair added that the Friends were also compiling a history about the Refuge. The Chair requested that everyone help to spread the word that help was needed for installation.

Design Review Committee-Mr. Cummings reported that Driscoll Electric hoped to construct a warehouse to be built at 61 Echo Road. There was a request to add shutters and landscaping and there may be additional questions regarding parking. Mr. Fudala reported that Plan Review also reviewed the request where the size of spaces had to be addressed. Also the rear driveway needed to be widened to allow access for the ladder truck.

Community Preservation Committee- No update

Environmental Oversight Committee- No update

Historic District Commission-No update

MMR Military Civilian Community Council-Update of MMR Joint Land Use Study-No update

Status of parking facilities at 168 Industrial Drive/Cross-Fit issue- The Building Inspector has visited the site many times over the last year attempting to enforce the Special Permit. Kevin Kirrane was present to represent Keller Company, owners of the building. Mr. Kirrane reported that the owner felt that parking issues had been addressed. Mr. Fudala

stated that parking issues had not been addressed because solid edging to six allowed gravel spaces had not been installed and four gravel parking spaces on the grass parallel to the building had not been removed and replaced with landscaping. Signage has been installed. Mr. Rowley expressed concern regarding ADA access to some of the units. Mr. Fudala confirmed that parking continued to be an issue at the site. Mr. Fudala also noted that the warehouse at the far end of the parking lot had 31 spaces in their lease, but signs were installed to prevent shared parking. Mary Puzio, who works for the owners of Mashpee Industrial, recalled that Derma Concepts had been told that they could utilize a number of parking spaces. Ms. Puzio further stated that Community Connections was utilizing 10-12 spaces for their vans.

Mr. Fudala stated that the Board had approved an additional use for an antique store during the last modification, but since that time, CrossFit Gym opened up a location without the proper clearance or authorization. New owners of CrossFit have since taken over the gym. Mr. Fudala reported that during any time of the day during a class, there could be as many as 20 people at CrossFit. Mr. Fudala further reported that customers were being told they could not park at the Derma Concepts warehouse. There was discussion regarding the original plan and the additional six gravel parking spaces. Mr. Fudala indicated that there had been no request to set aside 25 of the spaces for Community Connections. The Board allowed 138 spaces for the uses identified at the time of the Special Permit. The addition of the physical therapy business has created near constant overflow parking issues, along with Flip Flops, including parking in non-allowable areas. Mr. Kirrane responded that most parents dropped off and picked up only at Flip Flops. Mr. Kirrane stated that, over the last ten years, businesses have grown, and a parking formula likely could not plan for such success. Mr. Fudala agreed, stating that when the building was approved, it was for an industrial use. There was discussion about the modifications and Mr. Kirrane pointed out that the antique use requires more spaces than CrossFit would need, adding that he would be looking further into the lease issue.

Mr. Kirrane's hope was to develop additional parking on site, adding that people would not pay attention to NO PARKING signs. Matt Eddy at Baxter Nye has been working on an alternative plan to create an additional 26 parking spaces on site. Mr. Kirrane noted that each business had certain times that were busiest, which did not necessarily coincide with the other businesses. Mr. Kirrane stated that he spoke with Bruce McGregor, owner of the park and Industrial Drive, and suggested the possibility of offering parallel parking on the road if needed. Board members reviewed the plan identifying additional parking. Ms. Puzio confirmed that trucks were not parked overnight at the warehouse. Ms. Puzio reported that the busiest times at the building was between 9 and 10:30 in the morning and again in the afternoon, when Community Connections was picking up, creating a log jam. Mr. Kirrane confirmed that the newly created spaces would be paved, rather than gravel, which would eliminate the migration of gravel. Mr. Kirrane pointed out that the building at one point was intended as a post office and was more attractive than surrounding buildings, yielding more interested businesses.

Chairman Waygan stated her preference that parking not occur on the street. The Chair expressed the Board's concern that customers were parking on landscaped areas and requested that the landscaping areas be repaired. The Chair suggested also a review of the leases and informing leasees about the parking plan.

Mr. Fudala inquired about CrossFit's permit violation. Allan Fleck and Chris Mason were present from CrossFit Cape Cod and summarized their realization about the permitting situation. Mr. Fleck had been in contact with Mr. Fudala and felt that, under Modification #3, CrossFit was an allowable use. Mr. Fudala clarified that the use was allowable but the process was not followed, and inquired about the view of the Board. The Chair stated that people supported the business, but that the parking issue must be addressed and the business properly permitted with the Town of Mashpee. Mr. Fudala stated that Mr. Eddy should review the site, adding that the spaces shown on the plan were not long enough and needed to measure 8 feet x 24 feet. Mr. Fudala questioned the usefulness of parking spaces located in the back as well as adjacent to the stormwater swales. Mr. Rowley suggested that drainage areas were intended as surface infiltration, and if allowed by the Board, a different system could be constructed that would allow paving, possibly adding 30 more parking spaces. Mr. Fudala stated that the bylaw required opened drainage.

There was further discussion about the Community Connections vans and Mr. Kooharian inquired whether there were other locations where the vans could be parked. Mr. Kirrane stated that he would look into it. Ms. Puzio noted that the drivers preferred to park in employee parking rather than at Derma Concepts. Mr. Fudala inquired about why street parking could not be considered. Mr. Kirrane stated that it would be only if additional parking could not be identified on site.

Mr. Fudala recommended a vote approving CrossFit.

MOTION: Mr. Balzarini made a motion that CrossFit was o.k. to stay there for parking. Mr. Kooharian seconded the motion. All voted unanimously.

Mr. Fudala recommended that Mr. Rowley and Mr. Eddy meet on site to discuss the parking options.

MOTION: Mr. Balzarini made a motion to allow Mr. Rowley to look at parking on Industrial Drive. Mr. Kooharian seconded the motion. All voted unanimously.

CORRESPONDENCE

- January 2016 Discharge Monitoring Report for South Cape Market Place N=4.8
- February 2016 Discharge Monitoring Report for South Cape Market Place N=6.1
- March 2016 Discharge Monitoring Report for South Cape Market Place N=3.3
- April 2016 Discharge Monitoring Report for South Cape Market Place N=5
- May 2016 Discharge Monitoring Report for South Cape Market Place N=6.7
- June 2016 Discharge Monitoring Report for South Cape Market Place N=5.8

WATERWAYS LICENSES

None at this time

ADJOURNMENT

MOTION: Mr. Balzarini made a motion to adjourn. Mr. Kooharian seconded the motion. All voted unanimously. The meeting adjourned at 8:12 p.m.

Respectfully submitted,

Jennifer M. Clifford
Board Secretary

LIST OF DOCUMENTS

- Proposed Road Construction Schedule for BCDM/Ockway Highlands Road Work
- Charles Rowley Letter Re: Flat Pond Circle, Security Release
- Release of Covenant Agreement for Cottages at New Seabury, Phase II
- Land Court List
- Memo from Clayson Nicholson Re: Fells Circle Request
- Mashpee Planning Board Vote Re: Parking Facilities at 168 Industrial Drive
- Tom Fudala Memo Re: CrossFit
- Special Permit Decision for Mashpee Industrial Realty LLC
- Special Permit Modification #3 for Mashpee Industrial Realty LLC
- Special Permit Modification #4 for Mashpee Industrial Realty LLC
- Mashpee Industrial Park Plan